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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 DONALD H. PUTNAM, an individual,
14
15 Plaintiff,
16 v.

17 PUTNAM LOVELL NBF SECURITIES,
INC., a Delaware corporation, and
18 NATIONAL BANK OF CANADA, a
Canadian chartered bank; NATIONAL BANK
19 FINANCIAL, INC., a Quebec corporation;
and DOES 1-20, inclusive,

20 Defendants.
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Case No. C 05-1330 CW

**ORDER GRANTING AS MODIFIED
STIPULATION GRANTING LEAVE FOR
PUTNAM TO FILE HIS SECOND
AMENDED COMPLAINT, SETTING
DISCOVERY CUT-OFF DATE, AND
REQUESTING RESET CASE
MANAGEMENT CONFERENCE**

1 Plaintiff Donald H. Putnam ("Putnam") and defendants National Bank Financial, Inc.,
2 National Bank of Canada, and Putnam Lovell NBF Securities, Inc. (collectively, "Defendants")
3 hereby stipulate to the following under Federal Rule of Civil Procedure 15 and Civil Local Rules
4 6-1, 6-2, and 7-12:

5 1. The parties agree that the Court should grant Putnam leave, pursuant to Federal
6 Rule of Civil Procedure 15(a), to file the Second Amended Complaint attached hereto as Exhibit
7 A.

8 2. The parties also agree that Defendants shall file their Answer to Putnam's Second
9 Amended Complaint on or before August 18, 2006.

10 3. The parties further agree that, due to the parties' mediation efforts, the anticipated
11 filing of Putnam's Second Amended Complaint, the change in defendants' lead counsel and
12 other exigencies, the date for completion of fact discovery and expert disclosure should be set for
13 September 30, 2006, pending the next Case Management Conference.

14 4. The parties also request that the next Case Management Conference, currently
15 scheduled for September 15, 2006, be vacated and reset for the earliest possible date after July
16 31, 2006, for the Court and counsel to address other scheduling issues. The parties are
17 discussing whether, in light of the discovery to be completed and the time spent to date on a
18 good faith effort at mediation, one or both of them may ask the court to extend the trial date.

19 5. Previous modifications to the schedule in this case related to the briefing and
20 hearing of Defendants' motions to dismiss, an extension of time for Putnam to file his First
21 Amended Complaint, and a previous request to extend the discovery cut-off and change the date
22 of the last Case Management Conference.

1 IT IS SO STIPULATED.

2 Dated: July 21, 2006

KEKER & VAN NEST, LLP

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5 By /s/ Christopher C. Kearney
CHRISTOPHER C. KEARNEY
Attorneys for Plaintiff
6 DONALD H. PUTNAM

7 Dated: July 21, 2006

TORYS LLP

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10 By: /s/ Charles E. Dorkey III
CHARLES E. DORKEY III
Attorneys for Defendants
11 PUTNAM LOVELL GROUP NBF
12 SECURITIES, INC., NATIONAL BANK
13 OF CANADA, and NATIONAL BANK
FINANCIAL, INC.

14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED, **EXCEPT THE CASE**
16 **MANAGEMENT CONFERENCE WILL REMAIN SET ON SEPTEMBER 15, 2006, OR,**
17 **IN LIEU OF AN APPEARANCE, PARTIES MAY SUBMIT A STIPULATION**
18 **CONTINUING THE CASE DISPOSITIVE MOTION HEARING DATE, PRETRIAL**
19 **CONFERENCE AND TRIAL DATES AFTER CONFERRING WITH THE**
20 **COURTROOM DEPUTY.**

21 Dated: 8/1/06

/s/ CLAUDIA WILKEN

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23
24 THE HONORABLE CLAUDIA WILKEN
25 UNITED STATES DISTRICT COURT JUDGE
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